

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARQUIS JOSHUA MILES,
JALEN VERILY ALLEN MILES, JUWANA
DENISE MILES, and ANTHONY WOLFE
JACOB RIPPY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANTONIO BRINTLEY,

Respondent-Appellant,

and

ATANYA MILES, MARZENE PORTER, and
ANTHONY RIPPY,

Respondents.

In the Matter of MARQUIS JOSHUA MILES,
JALEN VERILY ALLEN MILES, JUWANA
DENISE MILES, and ANTHONY WOLFE
JACOB RIPPY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARZENE PORTER,

Respondent-Appellant,

and

UNPUBLISHED
September 22, 2005

No. 260212
Wayne Circuit Court
Family Division
LC No. 00-391035-NA

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ATANYA MILES, ANTHONY RIPPY, and
ANTONIO BRINTLEY,

Respondents.

In the Matter of MARQUIS JOSHUA MILES,
JALEN VERILY ALLEN MILES, JUWANNA
DENISE MILES, and ANTHONY WOLFE
JACOB RIPPY, JR., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ATANYA MILES,

Respondent-Appellant,

and

MARZENE PORTER, ANTHONY RIPPY, and
ANTONIO BRINTLEY,

Respondents.

No. 260214
Wayne Circuit Court
Family Division
LC No. 00-391035-NA

Before: Hoekstra, P.J., and Gage and Wilder, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating the parental rights of respondent Atanya Miles to each of the minor children under MCL 712A.19b(3)(c)(i) and (g), terminating the parental rights of respondent Antonio Brintley to the minor child Marquis Miles under MCL 712A.19b(3)(c)(i), (g) and (j), and terminating the parental rights of respondent Marzene Porter to the minor children Juwana and Jalen Miles under MCL 712A.19b(3)(c)(i), (g), and (h). We affirm.

Respondent Miles challenges the sufficiency of the evidence to support the termination of her parental rights. Our review of the record, however, indicates that the evidence was adequate to support the trial court's finding that Miles would not be able to provide proper care for the children within a reasonable time considering their ages. MCL 712A.19b(3)(g). Consequently, the court did not clearly err by finding at least one statutory ground for termination was

established by clear and convincing evidence. See MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

In challenging the trial court's finding in this regard, Miles notes that she was in near complete compliance with her treatment plan at the time of the termination trial; a claim that is supported by the testimony of foster care worker Monica Robinson, who indicated that Miles had been in complete or almost complete compliance for six months at that time. Other evidence indicated, however, that throughout the four-year history of this case Miles has failed to maintain consistent compliance and, except for her most recent term of compliance, would maintain compliance for three months at a time at most, raising serious concerns about her ability to maintain any improvement.

More significantly, however, the record also indicates that Miles ultimately failed to complete a critical portion of her parent agency agreement, i.e., demonstration of the fact that she has adequately benefited from services directed toward improving her parenting skills. In September 2003, approximately 2½ years after the initial disposition, foster care worker Jessica Parsons testified that Miles' visits with the children remained chaotic and that Miles would yell at the children rather than redirect them. A Clinic for Child Study report from this same period also notes that, although the children are difficult to handle, Miles' follow-through with discipline was "quite poor." The report further indicates that Miles acknowledged leaving the children with a schizophrenic and knowingly violent aunt, but that Miles did not see a problem with this decision. The more recent observations of foster care worker Robinson, assigned to the case in February 2004, contravene the earlier evidence only in part, as they address Miles' improved ability to control and discipline the children, but not her judgment concerning the children or her ability to care for them on a day-to-day basis. In fact, despite her acknowledgement of improvement in some areas, Robinson ultimately testified that she did not believe Miles was emotionally stable or that she could meet the special needs of the children. In addition to Robinson's testimony, other evidence strongly suggested that Miles has serious deficiencies of judgment and emotional resources that significantly impair her ability to provide proper care and custody for the minor children in the reasonable future. Indeed, Miles evidenced no insight concerning her poor choice of relationships or her poor choice of caregivers for the children, and was generally absent of emotion.

The testimony of Dr. Phillipa Zylanoff, who last saw Miles in September 2004, also reflected a poor prognosis for improvement. Zylanoff diagnosed Miles, who the evidence indicates has a history of hearing voices, as schizophrenic and severely and chronically mentally ill. Although Zylanoff prescribed medication to curb these events, she testified that she felt that Miles' illness nonetheless affected her ability to parent because she had a limited ability to organize and seemed to lack the ability to do the things she needed to do to adequately parent. Zylanoff felt that Miles' prognosis was poor and opined that she would never be able to adequately parent the children. Although Miles suggests on appeal that her parental rights were terminated solely because of her diagnosis of schizophrenia, her lack of consistent compliance with her treatment plan, as well as other specific evidence concerning her judgment and parenting skills, also supports termination. The trial court did not clearly err by finding that Miles failed to provide proper care and custody for the minor children and would be unable to do so in the reasonable future.

The trial court similarly did not clearly err in finding that termination of Miles' parental rights was not clearly contrary to the best interests of the children. MCL 712A.19b(5). Although the record indicates that there is a strong and loving bond between Miles and the children, the record also indicates that, through no fault of her own, Miles is unable to provide proper care and custody for them. At the time of the termination trial, the children had been out of her care for more than four years. Given the evidence that Miles suffers from chronic and severe mental illness that affects her parenting skills, and has a poor prognosis for being able to parent the children in the future, the trial court did not clearly err by finding that the interest in preserving her bond with the children was outweighed by the need of the children for permanency.

Respondents Brintley and Porter, both of whom are currently incarcerated, do not challenge the finding of statutory grounds to terminate their parental rights. Rather, both argue that termination of their parental rights was clearly contrary to the best interests of the children because respondent Miles' parental rights, and consequently their own, should not have been terminated. However, we have already concluded that the trial court did not clearly err by finding clear and convincing evidence establishing at least one statutory ground for the termination of respondent Miles' parental rights, or by finding that termination of her parental rights was not clearly contrary to the best interests of the children. Consequently, the argument raised by these respondents, neither of whom are in a position to care for their children in the reasonable future, must fail.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Hilda R. Gage
/s/ Kurtis T. Wilder